

Official**FACSIMILE** BROWN MARTIN HALLER & McCLAIN18/B
NE
22701TO FAX NO.: 1-703-308-2571**FAX RECEIVED**ATTENTION: Examiner Jeffrey A. Shapiro

DEC 25 2001

**Attorneys at Law
Patents, Trademarks,
Copyrights, Franchising**Group Art Unit 3351FROM: J.W. McClain**GROUP 3600****1560 Union Street
San Diego, California 92101-2926**Number of pages: 7
(including cover page)**Phone: (619) 238-0999
Facsimile: (619) 238-0062**Date of transmission: December 25, 2001Attorney Docket No.: 7480 PA1CP2**- IMPORTANT CONFIDENTIALITY INFORMATION -**

The pages comprising this facsimile contain confidential information from Brown Martin Haller & McClain. This information is for use by the individual or entity that is the intended recipient. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this transmission is prohibited. If you have received this transmission in error, please immediately notify us by telephone, and then return the original to us via U.S. mail.

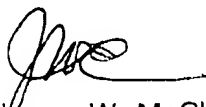
Re: Patent Application Ser No. 09/364,794, filed July 30, 1999, for VACUUM PNEUMATIC SYSTEM FOR CONVEYANCE OF ICE; Inventor(s): J. Eric Berge et al.

Submitted herewith by facsimile are the following papers:

- A. Supplemental Response under 37 C.F.R. § 1.116 [4 pages]
- B. Transmittal Form (PTO/SB/21) [1 page]
- C. Fee Transmittal for FY 2002 (PTO/SB/17) [1 page]
- D. This Facsimile Cover Sheet [1 page]

The Patent and Trademark Office is authorized to charge Deposit Account No. 02-4070 for all fees, if any, associated with submission of this correspondence.

Respectfully submitted,



James W. McClain
Attorney for Applicants
Reg. No. 24,536

Do
not
enter
amendment
JWS 12/28/02

BEST AVAILABLE COPY

FAX RECEIVED

Official

DEC 25 2001

GROUP 3660


Please type a plus sign (+) inside this box → ☐PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/364,794	
	Filing Date	July 30, 1999	
	First Named Inventor	J. Eric Ferge	
	Group Art Unit	3651	
	Examiner Name	Jeffrey A. Shapiro	
Total Number of Pages In This Submission	7	Attorney Docket Number	74801 PA1CP2

ENCLOSURES <i>(check all that apply)</i>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply Supplemental <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Facsimile Transmittal Sheet
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	James W. McClain, Reg. No. 24,536
Signature	
Date	December 25, 2001

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: _____	
Typed or printed name	-- Transmitted by facsimile --
Signature	Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

BEST AVAILABLE COPY

PTO/SB/17 (11-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 0.00**Complete if Known**

Application Number	09/364,794
Filing Date	July 30, 1999
First Named Inventor	J. Eric Herge
Examiner Name	Jeffrey A. Shapiro
Group Art Unit	3651
Attorney Docket No.	7480 PA1CP2

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

02-4070

Brown Martin Haller ...

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) indicated below ☐ Credit any overpayments☐ Charge fee(s) indicated below ☐ Credit any overpayments

to the above identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	=
Independent Claims	-3** =	X	=
Multiple Dependent			=

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid. If greater, For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for or <i>parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	820	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,980	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	480	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
128	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00**SUBMITTED BY**

Name (Print/Type)

James W. McClain

Registration No.
(Attorney/Agent)

24,536

Complete if applicable

Telephone

619-238-0999

Signature

Date

12/25/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

BEST AVAILABLE COPY

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of) FOR: VACUUM PNEUMATIC SYSTEM FOR
J. ERIC BERGE ET AL.) CONVEYANCE OF ICE
Serial No.: 09/364,794)
Filing Date: July 30, 1999) Group Art Unit: 3651

SUPPLEMENTAL RESPONSE UNDER 37 C.F.R. § 1.116

Hon. Commissioner for Patents
Washington, D.C. 20231

Attention: Jeffrey A. Shapiro
Examiner

Dear Sir:

This communication is yet further in response to the Office Action designated Paper
No. 14.

Please amend the above-identified patent application as follows:

I hereby certify that this correspondence is being facsimile
transmitted to the United States Patent and Trademark Office
by Fax No. (703) 308-2571

on December 25, 2001

James W. McClain
(Name)

(Signature)

December 25, 2001
(Date of Signature)

[AMDZBERG01.L25]

BEST AVAILABLE COPY